



Public Knowledge

October 7, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

RE: Notice of Ex Parte presentation in CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

Today, Parul Desai of Consumers Union (CU) and John Bergmayer and Harold Feld of Public Knowledge (PK) met with Eloise Gore and Dave Grimaldi from Commissioner Clyburn's Office of Commissioner Baker's office.

PK and CU argued that cable operators should inform customers of their option to use CableCARD devices, and their right to adequate support for third-party devices, directly in their paper bill. PK/CU noted that many cable customers are unaware that they can purchase cable-compatible devices at retail, and that this puts competitive devices at a disadvantage. PK/CU further argued that enshrining the Evolution waiver in a rule, while procedurally preferable than "rulemaking by waiver" is substantively misguided, as doing so undermines the economics of producing low-cost, separable security devices.¹

Sincerely,

/s/ John Bergmayer
Staff Attorney
Public Knowledge

CC:

William Lake
Nancy Murphy
Alison Neplokh
Mary Beth Murphy
Sherrese Smith
Dave Grimaldi

Brendan Murray
Jeffrey Neumann
Steven Broeckaert
Kris Monteith
Marilynn Sonn

Rosemary Harold
Joshua Cinelli
Krista Witanowski
Rick Kaplan
Eloise Gore

¹ For example, IPCO represents to the Commission that it can produce low-cost, compliant devices. *See* Notice of Ex parte of IPCO, CS Docket 97-80, April 6, 2010. *See also* Petition for Reconsideration of Public Knowledge et al., CS Docket 97-80, June 29, 2009.